

REMARKS

Applicant requests examination on the merits in view of the following remarks.

1. Status of the Claims

Claims 1-28 stand pending. Claims 1-28 are subject to Restriction / Election Requirement.

2. Restriction Requirement

The Office restricts claims 1-28 into one of the following groups:

- 1) **Group I:** claims 1-4, 18-23, and 25, drawn to an isolated gene encoding a Δ -6 fatty acid desaturase;
- 2) **Group II:** claims 5-8, drawn to an isolated gene encoding a Δ -6 chain elongating enzyme;
- 3) **Group III:** claims 9-12, drawn to an isolated gene encoding a Δ -5 desaturase;
- 4) **Group IV:** claims 13, 14, and 27, drawn to a Δ -6 desaturase protein and method of using;
- 5) **Group V:** claim 15, drawn to a protein that has Δ -6 chain elongating activity;
- 6) **Group VI:** claim 16, drawn to a Δ -5 desaturase protein;
- 7) **Group VII:** claim 17, drawn to an isolated antibody which recognized a Δ -6 desaturase protein of claim 13;
- 8) **Group VIII:** claim 24, drawn to a composition comprising at least one fatty acid listed in the claims;
- 9) **Group IX:** claim 26, drawn to a gene detecting instrument comprising at least a portion of a nucleotide sequence or complementary sequence of a gene of claim 1; and
- 10) **Group X:** claim 28, drawn to a gene or substance obtained by a screening method of claim 27.¹

Office Action, page 2, ¶ 1. The Office alleges, “[t]he inventions listed as Groups I-X do not relate to single general inventive concept under PCT Rule 13.1.” *Id.*, ¶ 2. The Groups

¹ Applicant does not necessarily agree with the Office’s characterization of the claims.

allegedly lack the same or corresponding special technical features. *Id.*, at 3, ¶ 2. Group I allegedly requires an isolated gene encoding a protein having a delta-6 fatty acid desaturating activity. *Id.* Groups II-III, V-VI, and VIII are allegedly drawn to distinct products that do not require a delta-6 fatty acid desaturase coding sequence. *Id.*

3. Election

Applicant elects Group I (claims 1-4, 18-23, and 25) without traverse.

CONCLUSION

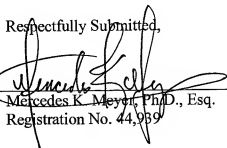
The application is in condition for examination on the merits, which is respectfully requested. Should the Office have any questions or comments regarding Applicant's response, the Office is requested to contact Applicant's undersigned representative at (202) 842-8821. Furthermore, please direct all correspondence to the below-listed address.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-0573 for any such fees; and Applicant hereby petitions for any needed extension of time.

Respectfully Submitted,

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By:


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